



Reprinted  
February 2, 2016

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## HOUSE BILL No. 1211

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DIGEST OF HB 1211 (Updated February 1, 2016 5:38 pm - DI 69)

**Citations Affected:** IC 5-2; IC 11-12; IC 16-31; IC 20-28; IC 22-15; IC 25-1; IC 34-24; IC 35-31.5; IC 35-42; IC 35-43; IC 35-45; IC 35-46; IC 35-47; IC 35-48; IC 35-50.

**Synopsis:** Methamphetamine and criminal mischief. Requires law enforcement agencies to report fires related to methamphetamine abuse to the Indiana criminal justice institute. Removes methamphetamine manufacturing and the financing of methamphetamine manufacturing from the crime of dealing in methamphetamine. Makes it manufacturing methamphetamine, a Level 4 felony, for a person to knowingly or intentionally: (1) manufacture; or (2) finance the manufacture of; methamphetamine. Makes the offense: (1) a Level 3 felony if the amount of the drug involved is at least 5 grams but less than 10 grams; and (2) a Level 2 felony if the amount of the drug involved is at least 10 grams, an enhancing circumstance applies, the manufacture of the drug results in serious bodily injury to someone other than the manufacturer, or the manufacture of the drug results in the death of another person. Makes conforming amendments. Removes methamphetamine manufacturing and the financing of methamphetamine manufacturing from the definition of "enhancing circumstance" for the purposes of criminal law. Includes the attempted manufacture of methamphetamine in the statutory definition of "methamphetamine abuse". Provides that damaging property during: (1) the dealing or manufacture; or (2) the attempted dealing or manufacture; of cocaine, a narcotic drug, or methamphetamine is a  
(Continued next page)

**Effective:** July 1, 2016.

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### Carbaugh, Smaltz, Ober, Moed

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January 7, 2016, read first time and referred to Committee on Courts and Criminal Code.  
January 28, 2016, amended, reported — Do Pass.  
February 1, 2016, read second time, amended, ordered engrossed.

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HB 1211—LS 6976/DI 123



Level 6 felony. Provides that damaging a dwelling or structure attached to a dwelling during: (1) the dealing or manufacture; or (2) the attempted dealing or manufacture; of cocaine, a narcotic drug, or methamphetamine is a Level 4 felony in certain instances. Makes it institutional criminal mischief, a Class A misdemeanor, for a person to recklessly, knowingly, or intentionally damage property: (1) that is vacant; or (2) after the person has been denied entry to the property by a court order that was issued to the person or to the general public by conspicuous posting on or around the property in areas where a person could observe the order when the property has been designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure; without the consent of the owner, possessor, or occupant of the property that is damaged. Makes the offense: (1) a Level 6 felony if the pecuniary loss is at least \$750 but less than \$50,000; and (2) a Level 5 felony if the pecuniary loss is at least \$50,000. Provides that, if the offense involved the use of graffiti, the court may order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one year.



Reprinted  
February 2, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## HOUSE BILL No. 1211

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 5-2-16-2, AS ADDED BY P.L.151-2006,  
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]: Sec. 2. As used in this chapter, "methamphetamine  
4 abuse" means the:  
5 (1) use;  
6 (2) sale;  
7 (3) manufacture **or attempt to manufacture**;  
8 (4) transport; or  
9 (5) delivery;  
10 of methamphetamine or of a methamphetamine precursor, if the  
11 precursor is being used, sold, manufactured, transported, ~~or~~ delivered,  
12 **or processed** to facilitate the manufacture of methamphetamine.  
13 SECTION 2. IC 5-2-16-3, AS ADDED BY P.L.151-2006,  
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2016]: Sec. 3. A law enforcement agency that discovers  
16 evidence of:  
17 (1) methamphetamine abuse; **or**

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1           **(2) a fire related to methamphetamine abuse;**  
 2 shall report the methamphetamine abuse to the criminal justice institute  
 3 on a form and in the manner prescribed by guidelines adopted by the  
 4 criminal justice institute under IC 5-2-6-18.

5           SECTION 3. IC 11-12-3.7-3, AS AMENDED BY P.L.182-2011,  
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2016]: Sec. 3. As used in this chapter, "drug dealing offense"  
 8 means one (1) or more of the following offenses:

9           (1) Dealing in cocaine or a narcotic drug (IC 35-48-4-1), unless  
 10 the person received only minimal consideration as a result of the  
 11 drug transaction.

12           (2) Dealing in methamphetamine (IC 35-48-4-1.1) **or**  
 13 **manufacturing methamphetamine (IC 35-48-4-1.2)**, unless the  
 14 person received only minimal consideration as a result of the drug  
 15 transaction.

16           (3) Dealing in a schedule I, II, III, IV, or V controlled substance  
 17 (IC 35-48-4-2 through IC 35-48-4-4), unless the person received  
 18 only minimal consideration as a result of the drug transaction.

19           (4) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic  
 20 cannabinoid (IC 35-48-4-10), unless the person received only  
 21 minimal consideration as a result of the drug transaction.

22           SECTION 4. IC 16-31-3-14.5, AS AMENDED BY P.L.238-2015,  
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2016]: Sec. 14.5. The department of homeland security may  
 25 issue an order under IC 4-21.5-3-6 to deny an applicant's request for  
 26 certification or licensure or permanently revoke a certificate or license  
 27 under procedures provided by section 14 of this chapter if the  
 28 individual who holds the certificate or license issued under this title is  
 29 convicted of any of the following:

30           (1) Dealing in or manufacturing cocaine or a narcotic drug under  
 31 IC 35-48-4-1.

32           (2) Dealing in methamphetamine under IC 35-48-4-1.1 **or**  
 33 **manufacturing methamphetamine under IC 35-48-4-1.2.**

34           (3) Dealing in a schedule I, II, or III controlled substance under  
 35 IC 35-48-4-2.

36           (4) Dealing in a schedule IV controlled substance under  
 37 IC 35-48-4-3.

38           (5) Dealing in a schedule V controlled substance under  
 39 IC 35-48-4-4.

40           (6) Dealing in a substance represented to be a controlled  
 41 substance under IC 35-48-4-4.5.

42           (7) Knowingly or intentionally manufacturing, advertising,



distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.

(10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(12) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(13) A crime of violence (as defined in IC 35-50-1-2(a)).

(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under this section.

SECTION 5. IC 20-28-5-8, AS AMENDED BY P.L.238-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

(1) The state superintendent.

(2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.

(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the



department to have been convicted of any of the following felonies:

- (1) Kidnapping (IC 35-42-3-2).
- (2) Criminal confinement (IC 35-42-3-3).
- (3) Rape (IC 35-42-4-1).
- (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (5) Child molesting (IC 35-42-4-3).
- (6) Child exploitation (IC 35-42-4-4(b)).
- (7) Vicarious sexual gratification (IC 35-42-4-5).
- (8) Child solicitation (IC 35-42-4-6).
- (9) Child seduction (IC 35-42-4-7).
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (13) Dealing in methamphetamine (IC 35-48-4-1.1) **or manufacturing methamphetamine (IC 35-48-4-1.2).**
- (14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (17) Dealing in a counterfeit substance (IC 35-48-4-5).
- (18) Dealing in marijuana, hash oil, hashish, or salvia as a felony (IC 35-48-4-10).
- (19) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its amendment in 2013).
- (20) Possession of child pornography (IC 35-42-4-4(c)).
- (21) Homicide (IC 35-42-1).
- (22) Voluntary manslaughter (IC 35-42-1-3).
- (23) Reckless homicide (IC 35-42-1-5).
- (24) Battery as any of the following:
  - (A) A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).
  - (B) A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).
  - (C) A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).
- (25) Aggravated battery (IC 35-42-2-1.5).



- 1 (26) Robbery (IC 35-42-5-1).
- 2 (27) Carjacking (IC 35-42-5-2) (before its repeal).
- 3 (28) Arson as a Class A felony or Class B felony (for a crime
- 4 committed before July 1, 2014) or as a Level 2, Level 3, or Level
- 5 4 felony (for a crime committed after June 30, 2014)
- 6 (IC 35-43-1-1(a)).
- 7 (29) Burglary as a Class A felony or Class B felony (for a crime
- 8 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
- 9 or Level 4 felony (for a crime committed after June 30, 2014)
- 10 (IC 35-43-2-1).
- 11 (30) Attempt under IC 35-41-5-1 to commit an offense listed in
- 12 this subsection.
- 13 (31) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 14 in this subsection.
- 15 (d) The department, after holding a hearing on the matter, shall
- 16 permanently revoke the license of a person who is known by the
- 17 department to have been convicted of a federal offense or an offense in
- 18 another state that is comparable to a felony listed in subsection (c).
- 19 (e) A license may be suspended by the state superintendent as
- 20 specified in IC 20-28-7.5.
- 21 (f) The department shall develop a data base of information on
- 22 school corporation employees who have been reported to the
- 23 department under this section.
- 24 SECTION 6. IC 22-15-5-16, AS AMENDED BY P.L.238-2015,
- 25 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2016]: Sec. 16. (a) A practitioner shall comply with the
- 27 standards established under this licensing program. A practitioner is
- 28 subject to the exercise of the disciplinary sanctions under subsection
- 29 (b) if the department finds that a practitioner has:
- 30 (1) engaged in or knowingly cooperated in fraud or material
- 31 deception in order to obtain a license to practice, including
- 32 cheating on a licensing examination;
- 33 (2) engaged in fraud or material deception in the course of
- 34 professional services or activities;
- 35 (3) advertised services or goods in a false or misleading manner;
- 36 (4) falsified or knowingly allowed another person to falsify
- 37 attendance records or certificates of completion of continuing
- 38 education courses provided under this chapter;
- 39 (5) been convicted of a crime that has a direct bearing on the
- 40 practitioner's ability to continue to practice competently;
- 41 (6) knowingly violated a state statute or rule or federal statute or
- 42 regulation regulating the profession for which the practitioner is



1 licensed;

2 (7) continued to practice although the practitioner has become  
3 unfit to practice due to:

4 (A) professional incompetence;

5 (B) failure to keep abreast of current professional theory or  
6 practice;

7 (C) physical or mental disability; or

8 (D) addiction to, abuse of, or severe dependency on alcohol or  
9 other drugs that endanger the public by impairing a  
10 practitioner's ability to practice safely;

11 (8) engaged in a course of lewd or immoral conduct in connection  
12 with the delivery of services to the public;

13 (9) allowed the practitioner's name or a license issued under this  
14 chapter to be used in connection with an individual or business  
15 who renders services beyond the scope of that individual's or  
16 business's training, experience, or competence;

17 (10) had disciplinary action taken against the practitioner or the  
18 practitioner's license to practice in another state or jurisdiction on  
19 grounds similar to those under this chapter;

20 (11) assisted another person in committing an act that would  
21 constitute a ground for disciplinary sanction under this chapter;  
22 or

23 (12) allowed a license issued by the department to be:

24 (A) used by another person; or

25 (B) displayed to the public when the license has expired, is  
26 inactive, is invalid, or has been revoked or suspended.

27 For purposes of subdivision (10), a certified copy of a record of  
28 disciplinary action constitutes prima facie evidence of a disciplinary  
29 action in another jurisdiction.

30 (b) The department may impose one (1) or more of the following  
31 sanctions if the department finds that a practitioner is subject to  
32 disciplinary sanctions under subsection (a):

33 (1) Permanent revocation of a practitioner's license.

34 (2) Suspension of a practitioner's license.

35 (3) Censure of a practitioner.

36 (4) Issuance of a letter of reprimand.

37 (5) Assess a civil penalty against the practitioner in accordance  
38 with the following:

39 (A) The civil penalty may not be more than one thousand  
40 dollars (\$1,000) for each violation listed in subsection (a),  
41 except for a finding of incompetency due to a physical or  
42 mental disability.





(B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(6) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the department upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department;

(C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).



(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or IC 35-48-4-7(c) (for a crime committed after June 30, 2014).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
- (9) Possession of a synthetic drug or synthetic drug lookalike substance as a:
  - (A) Class D felony for a crime committed before July 1, 2014, under:
    - (i) IC 35-48-4-11, before its amendment in 2013; or
    - (ii) IC 35-48-4-11.5; or
  - (B) Level 6 felony for a crime committed after June 30, 2014, under IC 35-48-4-11.5.
- (10) Maintaining a common nuisance under IC 35-48-4-13.
- (11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.
- (13) Attempt under IC 35-41-5-1 to commit an offense listed in



1 this subsection.

2 (14) An offense in any other jurisdiction in which the elements of  
3 the offense for which the conviction was entered are substantially  
4 similar to the elements of an offense described in this subsection.

5 (h) The department shall deny, revoke, or suspend a license issued  
6 under this chapter if the individual who holds the license is convicted  
7 of any of the following:

8 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.

9 (2) Dealing in methamphetamine under IC 35-48-4-1.1 **or**  
10 **manufacturing methamphetamine under IC 35-48-4-1.2.**

11 (3) Dealing in a schedule I, II, or III controlled substance under  
12 IC 35-48-4-2.

13 (4) Dealing in a schedule IV controlled substance under  
14 IC 35-48-4-3.

15 (5) Dealing in a schedule V controlled substance under  
16 IC 35-48-4-4.

17 (6) Dealing in a substance represented to be a controlled  
18 substance under IC 35-48-4-4.5.

19 (7) Knowingly or intentionally manufacturing, advertising,  
20 distributing, or possessing with intent to manufacture, advertise,  
21 or distribute a substance represented to be a controlled substance  
22 under IC 35-48-4-4.6.

23 (8) Dealing in a counterfeit substance under IC 35-48-4-5.

24 (9) Dealing in marijuana, hash oil, hashish, or salvia as a felony  
25 under IC 35-48-4-10.

26 (10) Dealing in a synthetic drug or synthetic drug lookalike  
27 substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)  
28 before its amendment in 2013).

29 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed  
30 in this subsection.

31 (12) Attempt under IC 35-41-5-1 to commit an offense listed in  
32 this subsection.

33 (13) An offense in any other jurisdiction in which the elements of  
34 the offense for which the conviction was entered are substantially  
35 similar to the elements of an offense described in this subsection.

36 (14) A violation of any federal or state drug law or rule related to  
37 wholesale legend drug distributors licensed under IC 25-26-14.

38 (i) A decision of the department under subsections (b) through (h)  
39 may be appealed to the commission under IC 4-21.5-3-7.

40 (j) The department may temporarily suspend a practitioner's license  
41 under IC 4-21.5-4 before a final adjudication or during the appeals  
42 process if the department finds that a practitioner represents a clear and



1 immediate danger to the public's health, safety, or property if the  
2 practitioner is allowed to continue to practice.

3 (k) On receipt of a complaint or an information alleging that a  
4 person licensed under this chapter has engaged in or is engaging in a  
5 practice that jeopardizes the public health, safety, or welfare, the  
6 department shall initiate an investigation against the person.

7 (l) Any complaint filed with the office of the attorney general  
8 alleging a violation of this licensing program shall be referred to the  
9 department for summary review and for its general information and any  
10 authorized action at the time of the filing.

11 (m) The department shall conduct a fact finding investigation as the  
12 department considers proper in relation to the complaint.

13 (n) The department may reinstate a license that has been suspended  
14 under this section if, after a hearing, the department is satisfied that the  
15 applicant is able to practice with reasonable skill, safety, and  
16 competency to the public. As a condition of reinstatement, the  
17 department may impose disciplinary or corrective measures authorized  
18 under this chapter.

19 (o) The department may not reinstate a license that has been  
20 revoked under this chapter. An individual whose license has been  
21 revoked under this chapter may not apply for a new license until seven  
22 (7) years after the date of revocation.

23 (p) The department shall seek to achieve consistency in the  
24 application of sanctions authorized in this chapter. Significant  
25 departures from prior decisions involving similar conduct must be  
26 explained in the department's findings or orders.

27 (q) A practitioner may petition the department to accept the  
28 surrender of the practitioner's license instead of having a hearing before  
29 the commission. The practitioner may not surrender the practitioner's  
30 license without the written approval of the department, and the  
31 department may impose any conditions appropriate to the surrender or  
32 reinstatement of a surrendered license.

33 (r) A practitioner who has been subjected to disciplinary sanctions  
34 may be required by the commission to pay the costs of the proceeding.  
35 The practitioner's ability to pay shall be considered when costs are  
36 assessed. If the practitioner fails to pay the costs, a suspension may not  
37 be imposed solely upon the practitioner's inability to pay the amount  
38 assessed. The costs are limited to costs for the following:

- 39 (1) Court reporters.
- 40 (2) Transcripts.
- 41 (3) Certification of documents.
- 42 (4) Photo duplication.



- 1 (5) Witness attendance and mileage fees.
- 2 (6) Postage.
- 3 (7) Expert witnesses.
- 4 (8) Depositions.
- 5 (9) Notarizations.
- 6 SECTION 7. IC 25-1-1.1-3, AS AMENDED BY P.L.238-2015,
- 7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2016]: Sec. 3. A board, a commission, or a committee shall
- 9 revoke or suspend a license or certificate issued under this title by the
- 10 board, the commission, or the committee if the individual who holds
- 11 the license or certificate is convicted of any of the following:
- 12 (1) Dealing in or manufacturing cocaine or a narcotic drug under
- 13 IC 35-48-4-1.
- 14 (2) Dealing in methamphetamine under IC 35-48-4-1.1 **or**
- 15 **manufacturing methamphetamine under IC 35-48-4-1.2.**
- 16 (3) Dealing in a schedule I, II, or III controlled substance under
- 17 IC 35-48-4-2.
- 18 (4) Dealing in a schedule IV controlled substance under
- 19 IC 35-48-4-3.
- 20 (5) Dealing in a schedule V controlled substance under
- 21 IC 35-48-4-4.
- 22 (6) Dealing in a substance represented to be a controlled
- 23 substance under IC 35-48-4-4.5.
- 24 (7) Knowingly or intentionally manufacturing, advertising,
- 25 distributing, or possessing with intent to manufacture, advertise,
- 26 or distribute a substance represented to be a controlled substance
- 27 under IC 35-48-4-4.6.
- 28 (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- 29 (9) Dealing in marijuana, hash oil, hashish, or salvia as a felony
- 30 under IC 35-48-4-10.
- 31 (10) Dealing in a synthetic drug or synthetic drug lookalike
- 32 substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)
- 33 before its amendment in 2013).
- 34 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 35 in this section.
- 36 (12) Attempt under IC 35-41-5-1 to commit an offense listed in
- 37 this section.
- 38 (13) An offense in any other jurisdiction in which the elements of
- 39 the offense for which the conviction was entered are substantially
- 40 similar to the elements of an offense described in this section.
- 41 (14) A violation of any federal or state drug law or rule related to
- 42 wholesale legend drug distributors licensed under IC 25-26-14.



1 SECTION 8. IC 34-24-1-1, AS AMENDED BY P.L.237-2015,  
 2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2016]: Sec. 1. (a) The following may be seized:

4 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used  
 5 or are intended for use by the person or persons in possession of  
 6 them to transport or in any manner to facilitate the transportation  
 7 of the following:

8 (A) A controlled substance for the purpose of committing,  
 9 attempting to commit, or conspiring to commit any of the  
 10 following:

11 (i) Dealing in or manufacturing cocaine or a narcotic drug  
 12 (IC 35-48-4-1).

13 (ii) Dealing in methamphetamine (IC 35-48-4-1.1) **or**  
 14 **manufacturing methamphetamine (IC 35-48-4-1.2).**

15 (iii) Dealing in a schedule I, II, or III controlled substance  
 16 (IC 35-48-4-2).

17 (iv) Dealing in a schedule IV controlled substance  
 18 (IC 35-48-4-3).

19 (v) Dealing in a schedule V controlled substance  
 20 (IC 35-48-4-4).

21 (vi) Dealing in a counterfeit substance (IC 35-48-4-5).

22 (vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

23 (viii) Possession of methamphetamine (IC 35-48-4-6.1).

24 (ix) Dealing in paraphernalia (IC 35-48-4-8.5).

25 (x) Dealing in marijuana, hash oil, hashish, or salvia  
 26 (IC 35-48-4-10).

27 (xi) Dealing in a synthetic drug or synthetic drug lookalike  
 28 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its  
 29 amendment in 2013).

30 (B) Any stolen (IC 35-43-4-2) or converted property  
 31 (IC 35-43-4-3) if the retail or repurchase value of that property  
 32 is one hundred dollars (\$100) or more.

33 (C) Any hazardous waste in violation of IC 13-30-10-1.5.

34 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of  
 35 mass destruction (as defined in IC 35-31.5-2-354) used to  
 36 commit, used in an attempt to commit, or used in a conspiracy  
 37 to commit an offense under IC 35-47 as part of or in  
 38 furtherance of an act of terrorism (as defined by  
 39 IC 35-31.5-2-329).

40 (2) All money, negotiable instruments, securities, weapons,  
 41 communications devices, or any property used to commit, used in  
 42 an attempt to commit, or used in a conspiracy to commit an



1 offense under IC 35-47 as part of or in furtherance of an act of  
 2 terrorism or commonly used as consideration for a violation of  
 3 IC 35-48-4 (other than items subject to forfeiture under  
 4 IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):

5 (A) furnished or intended to be furnished by any person in  
 6 exchange for an act that is in violation of a criminal statute;

7 (B) used to facilitate any violation of a criminal statute; or

8 (C) traceable as proceeds of the violation of a criminal statute.

9 (3) Any portion of real or personal property purchased with  
 10 money that is traceable as a proceed of a violation of a criminal  
 11 statute.

12 (4) A vehicle that is used by a person to:

13 (A) commit, attempt to commit, or conspire to commit;

14 (B) facilitate the commission of; or

15 (C) escape from the commission of;

16 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal  
 17 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting  
 18 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense  
 19 under IC 35-47 as part of or in furtherance of an act of terrorism.

20 (5) Real property owned by a person who uses it to commit any of  
 21 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5  
 22 felony:

23 (A) Dealing in or manufacturing cocaine or a narcotic drug  
 24 (IC 35-48-4-1).

25 (B) Dealing in methamphetamine (IC 35-48-4-1.1) **or**  
 26 **manufacturing methamphetamine (IC 35-48-4-1.2).**

27 (C) Dealing in a schedule I, II, or III controlled substance  
 28 (IC 35-48-4-2).

29 (D) Dealing in a schedule IV controlled substance  
 30 (IC 35-48-4-3).

31 (E) Dealing in marijuana, hash oil, hashish, or salvia  
 32 (IC 35-48-4-10).

33 (F) Dealing in a synthetic drug or synthetic drug lookalike  
 34 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its  
 35 amendment in 2013).

36 (6) Equipment and recordings used by a person to commit fraud  
 37 under IC 35-43-5-4(10).

38 (7) Recordings sold, rented, transported, or possessed by a person  
 39 in violation of IC 24-4-10.

40 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as  
 41 defined by IC 35-45-6-1) that is the object of a corrupt business  
 42 influence violation (IC 35-45-6-2).



(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a vehicle used by a person who operates the vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two

(2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or

(B) on a highway while the person's driving privileges are suspended in violation of IC 9-24-19-2 through IC 9-24-19-3, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles





recommending that the bureau not permit a vehicle to be registered in the name of the person whose vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(17) An automated sales suppression device (as defined in IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in IC 35-43-5-4.6(a)(3)).

(18) Real or personal property, including a vehicle, that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

a violation of IC 35-42-3.5-1 (human trafficking) or IC 35-45-4-4 (promoting prostitution).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:



(1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).

(2) IC 35-48-4-1.1 (dealing in methamphetamine) **or IC 35-48-4-1.2 (manufacturing methamphetamine).**

(3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

(4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

(5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Level 4 felony.

(6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Level 3, Level 4, or Level 5 felony.

(7) IC 35-48-4-6.1 (possession of methamphetamine) as a Level 3, Level 4, or Level 5 felony.

(8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or salvia) as a Level 5 felony.

(9) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug lookalike substance) as a Level 5 felony or Level 6 felony (or as a Class C felony or Class D felony under IC 35-48-4-10 before its amendment in 2013).

(e) A vehicle operated by a person who is not:

(1) an owner of the vehicle; or

(2) the spouse of the person who owns the vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 9. IC 35-31.5-2-217, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 217. "Offense relating to controlled substances" means the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(2) Dealing in methamphetamine (IC 35-48-4-1.1) **or manufacturing methamphetamine (IC 35-48-4-1.2).**

(3) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(4) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(5) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(6) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

(7) Possession of methamphetamine (IC 35-48-4-6.1).

(8) Possession of a controlled substance (IC 35-48-4-7).

(9) Possession of paraphernalia (IC 35-48-4-8.3).



(10) Dealing in paraphernalia (IC 35-48-4-8.5).

(11) Offenses relating to registration (IC 35-48-4-14).

SECTION 10. IC 35-42-1-1, AS AMENDED BY P.L.168-2014,  
SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2016]: Sec. 1. A person who:

(1) knowingly or intentionally kills another human being;

(2) kills another human being while committing or attempting to  
commit arson, burglary, child molesting, consumer product  
tampering, criminal deviate conduct (under IC 35-42-4-2 before  
its repeal), kidnapping, rape, robbery, human trafficking,  
promotion of human trafficking, sexual trafficking of a minor, or  
carjacking (before its repeal);

(3) kills another human being while committing or attempting to  
commit:

(A) dealing in or manufacturing cocaine or a narcotic drug  
(IC 35-48-4-1);

(B) dealing in ~~or manufacturing~~ methamphetamine  
(IC 35-48-4-1.1) **or manufacturing methamphetamine**  
**(IC 35-48-4-1.2).**

(C) dealing in a schedule I, II, or III controlled substance  
(IC 35-48-4-2);

(D) dealing in a schedule IV controlled substance  
(IC 35-48-4-3); or

(E) dealing in a schedule V controlled substance; or

(4) knowingly or intentionally kills a fetus that has attained  
viability (as defined in IC 16-18-2-365);

commits murder, a felony.

SECTION 11. IC 35-43-1-2, AS AMENDED BY P.L.21-2014,  
SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2016]: Sec. 2. (a) A person who recklessly, knowingly, or  
intentionally damages or defaces property of another person without  
the other person's consent commits criminal mischief, a Class B  
misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the pecuniary loss is at least seven  
hundred fifty dollars (\$750) but less than fifty thousand dollars  
(\$50,000); ~~and~~

(2) a Level 6 felony if:

(A) the pecuniary loss is at least fifty thousand dollars  
(\$50,000);

(B) the damage causes a substantial interruption or impairment  
of utility service rendered to the public;

(C) the damage is to a public record; ~~or~~



- 1 (D) the damage is to a law enforcement animal (as defined in  
 2 IC 35-46-3-4.5); or  
 3 (E) the offense is committed during the dealing or  
 4 manufacture or attempted dealing or manufacture of  
 5 cocaine or a narcotic drug (IC 35-48-4-1), the dealing or  
 6 attempted dealing of methamphetamine (IC 35-48-4-1.1),  
 7 or the manufacturing of or attempted manufacturing of  
 8 methamphetamine (IC 35-48-4-1.2); and  
 9 (3) a Level 4 felony if the offense is committed during the  
 10 dealing or manufacture or attempted dealing or manufacture  
 11 of cocaine or a narcotic drug (IC 35-48-4-1), the dealing or  
 12 attempted dealing of methamphetamine (IC 35-48-4-1.1), or  
 13 the manufacturing of or attempted manufacturing of  
 14 methamphetamine (IC 35-48-4-1.2), and:  
 15 (A) the property damaged by the commission or attempted  
 16 commission of the offense:  
 17 (i) involves the dwelling of another person; and  
 18 (ii) was damaged without the other person's consent; or  
 19 (B) the property of another person is damaged under  
 20 circumstances that endanger human life.  
 21 (b) A person who recklessly, knowingly, or intentionally damages:  
 22 (1) a structure used for religious worship;  
 23 (2) a school or community center;  
 24 (3) the property of an agricultural operation (as defined in  
 25 IC 32-30-6-1);  
 26 (4) the grounds:  
 27 (A) adjacent to; and  
 28 (B) owned or rented in common with;  
 29 a structure or facility identified in subdivisions (1) through (3); or  
 30 (5) personal property contained in a structure or located at a  
 31 facility identified in subdivisions (1) through (3); or  
 32 (6) property:  
 33 (A) that is vacant; or  
 34 (B) after the person has been denied entry to the property  
 35 by a court order that was issued:  
 36 (i) to the person; or  
 37 (ii) to the general public by conspicuous posting on or  
 38 around the property in areas where a person could  
 39 observe the order when the property has been designated  
 40 by a municipality or county enforcement authority to be  
 41 a vacant property, an abandoned property, or an  
 42 abandoned structure (as defined in IC 36-7-36-1);



1 without the consent of the owner, possessor, or occupant of the  
 2 property that is damaged, commits institutional criminal mischief, a  
 3 Class A misdemeanor. However, the offense is a Level 6 felony if the  
 4 pecuniary loss (or property damage, in the case of an agricultural  
 5 operation) is at least seven hundred fifty dollars (\$750) but less than  
 6 fifty thousand dollars (\$50,000), and a Level 5 felony if the pecuniary  
 7 loss (or property damage, in the case of an agricultural operation) is at  
 8 least fifty thousand dollars (\$50,000).

9 (c) If a person is convicted of an offense under this section that  
 10 involves the use of graffiti, the court may, in addition to any other  
 11 penalty, order that the person's operator's license be suspended or  
 12 invalidated by the bureau of motor vehicles for not more than one (1)  
 13 year.

14 (d) The court may rescind an order for suspension or invalidation  
 15 under subsection (c) and allow the person to receive a license or permit  
 16 before the period of suspension or invalidation ends if the court  
 17 determines that the person has removed or painted over the graffiti or  
 18 has made other suitable restitution.

19 SECTION 12. IC 35-45-6-1, AS AMENDED BY P.L.168-2014,  
 20 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2016]: Sec. 1. (a) The definitions in this section apply  
 22 throughout this chapter.

23 (b) "Documentary material" means any document, drawing,  
 24 photograph, recording, or other tangible item containing compiled data  
 25 from which information can be either obtained or translated into a  
 26 usable form.

27 (c) "Enterprise" means:

28 (1) a sole proprietorship, corporation, limited liability company,  
 29 partnership, business trust, or governmental entity; or

30 (2) a union, an association, or a group, whether a legal entity or  
 31 merely associated in fact.

32 (d) "Pattern of racketeering activity" means engaging in at least two  
 33 (2) incidents of racketeering activity that have the same or similar  
 34 intent, result, accomplice, victim, or method of commission, or that are  
 35 otherwise interrelated by distinguishing characteristics that are not  
 36 isolated incidents. However, the incidents are a pattern of racketeering  
 37 activity only if at least one (1) of the incidents occurred after August  
 38 31, 1980, and if the last of the incidents occurred within five (5) years  
 39 after a prior incident of racketeering activity.

40 (e) "Racketeering activity" means to commit, to attempt to commit,  
 41 to conspire to commit a violation of, or aiding and abetting in a  
 42 violation of any of the following:



- 1 (1) A provision of IC 23-19, or of a rule or order issued under
- 2 IC 23-19.
- 3 (2) A violation of IC 35-45-9.
- 4 (3) A violation of IC 35-47.
- 5 (4) A violation of IC 35-49-3.
- 6 (5) Murder (IC 35-42-1-1).
- 7 (6) Battery as a Class C felony before July 1, 2014, or a Level 5
- 8 felony after June 30, 2014 (IC 35-42-2-1).
- 9 (7) Kidnapping (IC 35-42-3-2).
- 10 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 11 (9) Child exploitation (IC 35-42-4-4).
- 12 (10) Robbery (IC 35-42-5-1).
- 13 (11) Carjacking (IC 35-42-5-2) (before its repeal).
- 14 (12) Arson (IC 35-43-1-1).
- 15 (13) Burglary (IC 35-43-2-1).
- 16 (14) Theft (IC 35-43-4-2).
- 17 (15) Receiving stolen property (IC 35-43-4-2).
- 18 (16) Forgery (IC 35-43-5-2).
- 19 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- 20 (18) Bribery (IC 35-44.1-1-2).
- 21 (19) Official misconduct (IC 35-44.1-1-1).
- 22 (20) Conflict of interest (IC 35-44.1-1-4).
- 23 (21) Perjury (IC 35-44.1-2-1).
- 24 (22) Obstruction of justice (IC 35-44.1-2-2).
- 25 (23) Intimidation (IC 35-45-2-1).
- 26 (24) Promoting prostitution (IC 35-45-4-4).
- 27 (25) Professional gambling (IC 35-45-5-3).
- 28 (26) Maintaining a professional gambling site
- 29 (IC 35-45-5-3.5(b)).
- 30 (27) Promoting professional gambling (IC 35-45-5-4).
- 31 (28) Dealing in or manufacturing cocaine or a narcotic drug
- 32 (IC 35-48-4-1).
- 33 (29) Dealing in ~~or manufacturing~~ methamphetamine
- 34 (IC 35-48-4-1.1) **or manufacturing methamphetamine**
- 35 **(IC 35-48-4-1.2).**
- 36 (30) Dealing in a schedule I, II, or III controlled substance
- 37 (IC 35-48-4-2).
- 38 (31) Dealing in a schedule IV controlled substance
- 39 (IC 35-48-4-3).
- 40 (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 41 (33) Dealing in marijuana, hash oil, hashish, or salvia
- 42 (IC 35-48-4-10).



- 1 (34) Money laundering (IC 35-45-15-5).
- 2 (35) A violation of IC 35-47.5-5.
- 3 (36) A violation of any of the following:
- 4 (A) IC 23-14-48-9.
- 5 (B) IC 30-2-9-7(b).
- 6 (C) IC 30-2-10-9(b).
- 7 (D) IC 30-2-13-38(f).
- 8 (37) Practice of law by a person who is not an attorney
- 9 (IC 33-43-2-1).
- 10 (38) Dealing in a synthetic drug or synthetic drug lookalike
- 11 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its
- 12 amendment in 2013).
- 13 SECTION 13. IC 35-46-1-4, AS AMENDED BY P.L.168-2014,
- 14 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2016]: Sec. 4. (a) A person having the care of a dependent,
- 16 whether assumed voluntarily or because of a legal obligation, who
- 17 knowingly or intentionally:
- 18 (1) places the dependent in a situation that endangers the
- 19 dependent's life or health;
- 20 (2) abandons or cruelly confines the dependent;
- 21 (3) deprives the dependent of necessary support; or
- 22 (4) deprives the dependent of education as required by law;
- 23 commits neglect of a dependent, a Level 6 felony.
- 24 (b) However, the offense is:
- 25 (1) a Level 5 felony if it is committed under subsection (a)(1),
- 26 (a)(2), or (a)(3) and:
- 27 (A) results in bodily injury; or
- 28 (B) is:
- 29 (i) committed in a location where a person is violating
- 30 IC 35-48-4-1 (dealing in cocaine or a narcotic drug), ~~or~~
- 31 IC 35-48-4-1.1 (dealing in methamphetamine), **or**
- 32 **IC 35-48-4-1.2 (manufacturing methamphetamine);** or
- 33 (ii) the result of a violation of IC 35-48-4-1 (dealing in
- 34 cocaine or a narcotic drug), ~~or~~ IC 35-48-4-1.1 (dealing in
- 35 methamphetamine), **or IC 35-48-4-1.2 (manufacturing**
- 36 **methamphetamine);**
- 37 (2) a Level 3 felony if it is committed under subsection (a)(1),
- 38 (a)(2), or (a)(3) and results in serious bodily injury;
- 39 (3) a Level 1 felony if it is committed under subsection (a)(1),
- 40 (a)(2), or (a)(3) by a person at least eighteen (18) years of age and
- 41 results in the death of a dependent who is less than fourteen (14)
- 42 years of age; and



(4) a Level 5 felony if it is committed under subsection (a)(2) and consists of cruel confinement or abandonment that:

(A) deprives a dependent of necessary food, water, or sanitary facilities;

(B) consists of confinement in an area not intended for human habitation; or

(C) involves the unlawful use of handcuffs, a rope, a cord, tape, or a similar device to physically restrain a dependent.

(c) It is a defense to a prosecution based on an alleged act under this section that:

(1) the accused person left a dependent child who was, at the time the alleged act occurred, not more than thirty (30) days of age with an emergency medical provider who took custody of the child under IC 31-34-2.5 when:

(A) the prosecution is based solely on the alleged act of leaving the child with the emergency medical services provider; and

(B) the alleged act did not result in bodily injury or serious bodily injury to the child; or

(2) the accused person, in the legitimate practice of the accused person's religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to the accused person's dependent.

(d) Except for property transferred or received:

(1) under a court order made in connection with a proceeding under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5 or IC 31-6-5 before their repeal); or

(2) under section 9(b) of this chapter;

a person who transfers or receives any property in consideration for the termination of the care, custody, or control of a person's dependent child commits child selling, a Level 6 felony.

SECTION 14. IC 35-46-1-8, AS AMENDED BY P.L.158-2013, SECTION 554, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) A person at least eighteen (18) years of age who knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2) commits contributing to delinquency, a Class A misdemeanor.

(b) However, the offense described in subsection (a) is:

(1) a Level 5 felony if:

(A) the person committing the offense is at least twenty-one (21) years of age and knowingly or intentionally furnishes:





- 1 (i) an alcoholic beverage to a person less than eighteen (18)  
 2 years of age in violation of IC 7.1-5-7-8 when the person  
 3 committing the offense knew or reasonably should have  
 4 known that the person furnished the alcoholic beverage was  
 5 less than eighteen (18) years of age; or  
 6 (ii) a controlled substance (as defined in IC 35-48-1-9) or a  
 7 drug (as defined in IC 9-13-2-49.1) in violation of Indiana  
 8 law; and  
 9 (B) the consumption, ingestion, or use of the alcoholic  
 10 beverage, controlled substance, or drug is the proximate cause  
 11 of the death of any person; and  
 12 (2) a Level 6 felony if the person committing the offense  
 13 knowingly or intentionally encourages, aids, induces, or causes a  
 14 person less than eighteen (18) years of age to commit an act that  
 15 would be a felony if committed by an adult under any of the  
 16 following:  
 17 (A) IC 35-48-4-1.  
 18 (B) IC 35-48-4-1.1.  
 19 **(C) IC 35-48-4-1.2.**  
 20 ~~(C)~~ **(D)** IC 35-48-4-2.  
 21 ~~(D)~~ **(E)** IC 35-48-4-3.  
 22 ~~(E)~~ **(F)** IC 35-48-4-4.  
 23 ~~(F)~~ **(G)** IC 35-48-4-4.5.  
 24 ~~(G)~~ **(H)** IC 35-48-4-4.6.  
 25 ~~(H)~~ **(I)** IC 35-48-4-5.  
 26 SECTION 15. IC 35-47-4-5, AS AMENDED BY P.L.168-2014,  
 27 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2016]: Sec. 5. (a) As used in this section, "serious violent  
 29 felon" means a person who has been convicted of:  
 30 (1) committing a serious violent felony in:  
 31 (A) Indiana; or  
 32 (B) any other jurisdiction in which the elements of the crime  
 33 for which the conviction was entered are substantially similar  
 34 to the elements of a serious violent felony; or  
 35 (2) attempting to commit or conspiring to commit a serious  
 36 violent felony in:  
 37 (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;  
 38 or  
 39 (B) any other jurisdiction in which the elements of the crime  
 40 for which the conviction was entered are substantially similar  
 41 to the elements of attempting to commit or conspiring to  
 42 commit a serious violent felony.



- (b) As used in this section, "serious violent felony" means:
- (1) murder (IC 35-42-1-1);
  - (2) voluntary manslaughter (IC 35-42-1-3);
  - (3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);
  - (4) battery (IC 35-42-2-1) as a:
    - (A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or
    - (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;
  - (5) aggravated battery (IC 35-42-2-1.5);
  - (6) kidnapping (IC 35-42-3-2);
  - (7) criminal confinement (IC 35-42-3-3);
  - (8) rape (IC 35-42-4-1);
  - (9) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
  - (10) child molesting (IC 35-42-4-3);
  - (11) sexual battery (IC 35-42-4-8) as a:
    - (A) Class C felony, for a crime committed before July 1, 2014; or
    - (B) Level 5 felony, for a crime committed after June 30, 2014;
  - (12) robbery (IC 35-42-5-1);
  - (13) carjacking (IC 35-42-5-2) (before its repeal);
  - (14) arson (IC 35-43-1-1(a)) as a:
    - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
    - (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
  - (15) burglary (IC 35-43-2-1) as a:
    - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
    - (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
  - (16) assisting a criminal (IC 35-44.1-2-5) as a:
    - (A) Class C felony, for a crime committed before July 1, 2014; or
    - (B) Level 5 felony, for a crime committed after June 30, 2014;
  - (17) resisting law enforcement (IC 35-44.1-3-1) as a:
    - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
    - (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;
  - (18) escape (IC 35-44.1-3-4) as a:



- 1 (A) Class B felony or Class C felony, for a crime committed
- 2 before July 1, 2014; or
- 3 (B) Level 4 felony or Level 5 felony, for a crime committed
- 4 after June 30, 2014;
- 5 (19) trafficking with an inmate (IC 35-44.1-3-5) as a:
- 6 (A) Class C felony, for a crime committed before July 1, 2014;
- 7 or
- 8 (B) Level 5 felony, for a crime committed after June 30, 2014;
- 9 (20) criminal gang intimidation (IC 35-45-9-4);
- 10 (21) stalking (IC 35-45-10-5) as a:
- 11 (A) Class B felony or Class C felony, for a crime committed
- 12 before July 1, 2014; or
- 13 (B) Level 4 felony or Level 5 felony, for a crime committed
- 14 after June 30, 2014;
- 15 (22) incest (IC 35-46-1-3);
- 16 (23) dealing in or manufacturing cocaine or a narcotic drug
- 17 (IC 35-48-4-1);
- 18 (24) dealing in methamphetamine (IC 35-48-4-1.1) **or**
- 19 **manufacturing methamphetamine (IC 35-48-4-1.2);**
- 20 (25) dealing in a schedule I, II, or III controlled substance
- 21 (IC 35-48-4-2);
- 22 (26) dealing in a schedule IV controlled substance (IC 35-48-4-3);
- 23 or
- 24 (27) dealing in a schedule V controlled substance (IC 35-48-4-4).
- 25 (c) A serious violent felon who knowingly or intentionally possesses
- 26 a firearm commits unlawful possession of a firearm by a serious violent
- 27 felon, a Level 4 felony.
- 28 SECTION 16. IC 35-48-1-16.5, AS AMENDED BY P.L.168-2014,
- 29 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JULY 1, 2016]: Sec. 16.5. "Enhancing circumstance" means one (1) or
- 31 more of the following:
- 32 (1) The person has a prior conviction, in any jurisdiction, for
- 33 dealing in a controlled substance that is not marijuana, hashish,
- 34 hash oil, salvia divinorum, or a synthetic drug, including an
- 35 attempt or conspiracy to commit the offense.
- 36 (2) The person committed the offense while in possession of a
- 37 firearm.
- 38 (3) The person committed the offense:
- 39 (A) on a school bus; or
- 40 (B) in, on, or within five hundred (500) feet of:
- 41 (i) school property while a person under eighteen (18) years
- 42 of age was reasonably expected to be present; or



- 1 (ii) a public park while a person under eighteen (18) years  
 2 of age was reasonably expected to be present.
- 3 (4) The person delivered or financed the delivery of the drug to a  
 4 person under eighteen (18) years of age at least three (3) years  
 5 junior to the person.
- 6 ~~(5) The person manufactured or financed the manufacture of the~~  
 7 ~~drug.~~
- 8 ~~(6)~~ (5) The person committed the offense in the physical presence  
 9 of a child less than eighteen (18) years of age, knowing that the  
 10 child was present and might be able to see or hear the offense.
- 11 SECTION 17. IC 35-48-4-1.1, AS AMENDED BY  
 12 P.L.226-2014(ts), SECTION 7, IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.1. (a) A person who:
- 14 (1) knowingly or intentionally:  
 15 ~~(A) manufactures;~~  
 16 ~~(B) finances the manufacture of;~~  
 17 ~~(C) (A) delivers; or~~  
 18 ~~(D) (B) finances the delivery of;~~  
 19 methamphetamine, pure or adulterated; or
- 20 (2) possesses, with intent to:  
 21 (A) manufacture;  
 22 (B) finance the manufacture of;  
 23 (C) deliver; or  
 24 (D) finance the delivery of;  
 25 methamphetamine, pure or adulterated;
- 26 commits dealing in methamphetamine, a Level 5 felony, except as  
 27 provided in subsections (b) through (e).
- 28 (b) A person may be convicted of an offense under subsection (a)(2)  
 29 only if there is evidence in addition to the weight of the drug that the  
 30 person intended to manufacture, finance the manufacture of, deliver,  
 31 or finance the delivery of the drug.
- 32 (c) The offense is a Level 4 felony if:  
 33 (1) the amount of the drug involved is at least one (1) gram but  
 34 less than five (5) grams; or  
 35 (2) the amount of the drug involved is less than one (1) gram and  
 36 an enhancing circumstance applies.
- 37 (d) The offense is a Level 3 felony if:  
 38 (1) the amount of the drug involved is at least five (5) **grams** but  
 39 less than ten (10) grams; or  
 40 (2) the amount of the drug involved is at least one (1) gram but  
 41 less than five (5) grams and an enhancing circumstance applies.
- 42 (e) The offense is a Level 2 felony if:



- (1) the amount of the drug involved is at least ten (10) grams; **or**
- (2) the amount of the drug involved is at least five (5) **grams** but less than ten (10) grams and an enhancing circumstance applies.
- or**
- (3) the person is manufacturing the drug and the manufacture results in an explosion causing serious bodily injury to a person other than the manufacturer.

SECTION 18. IC 35-48-4-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.2. (a) Except as provided in subsections (b) and (c), a person who:**

**(1) knowingly or intentionally:**

**(A) manufactures; or**

**(B) finances the manufacture of;**

**methamphetamine, pure or adulterated, commits manufacturing methamphetamine, a Level 4 felony.**

**(b) The offense is a Level 3 felony if the amount of the drug involved is at least five (5) grams but less than ten (10) grams.**

**(c) The offense is a Level 2 felony if:**

**(1) the amount of the drug is at least ten (10) grams;**

**(2) an enhancing circumstance applies;**

**(3) the manufacture of the drug results in serious bodily injury to a person other than the manufacturer; or**

**(4) the manufacture of the drug results in the death of another person.**

SECTION 19. IC 35-48-4-14.5, AS AMENDED BY P.L.168-2014, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 14.5. (a) As used in this section, "chemical reagents or precursors" refers to one (1) or more of the following:**

**(1) Ephedrine.**

**(2) Pseudoephedrine.**

**(3) Phenylpropanolamine.**

**(4) The salts, isomers, and salts of isomers of a substance identified in subdivisions (1) through (3).**

**(5) Anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1).**

**(6) Organic solvents.**

**(7) Hydrochloric acid.**

**(8) Lithium metal.**

**(9) Sodium metal.**

**(10) Ether.**



- 1 (11) Sulfuric acid.
- 2 (12) Red phosphorous.
- 3 (13) Iodine.
- 4 (14) Sodium hydroxide (lye).
- 5 (15) Potassium dichromate.
- 6 (16) Sodium dichromate.
- 7 (17) Potassium permanganate.
- 8 (18) Chromium trioxide.
- 9 (19) Benzyl cyanide.
- 10 (20) Phenylacetic acid and its esters or salts.
- 11 (21) Piperidine and its salts.
- 12 (22) Methylamine and its salts.
- 13 (23) Isosafrole.
- 14 (24) Safrole.
- 15 (25) Piperonal.
- 16 (26) Hydriodic acid.
- 17 (27) Benzaldehyde.
- 18 (28) Nitroethane.
- 19 (29) Gamma-butyrolactone.
- 20 (30) White phosphorus.
- 21 (31) Hypophosphorous acid and its salts.
- 22 (32) Acetic anhydride.
- 23 (33) Benzyl chloride.
- 24 (34) Ammonium nitrate.
- 25 (35) Ammonium sulfate.
- 26 (36) Hydrogen peroxide.
- 27 (37) Thionyl chloride.
- 28 (38) Ethyl acetate.
- 29 (39) Pseudoephedrine hydrochloride.
- 30 (b) A person who possesses more than ten (10) grams of ephedrine,
- 31 pseudoephedrine, or phenylpropanolamine, pure or adulterated,
- 32 commits a Level 6 felony. However, the offense is a Level 5 felony if
- 33 the person possessed:
- 34 (1) a firearm while possessing more than ten (10) grams of
- 35 ephedrine, pseudoephedrine, or phenylpropanolamine, pure or
- 36 adulterated; or
- 37 (2) more than ten (10) grams of ephedrine, pseudoephedrine, or
- 38 phenylpropanolamine, pure or adulterated, in, on, or within five
- 39 hundred (500) feet of:
- 40 (A) school property while a person under eighteen (18) years
- 41 of age was reasonably expected to be present; or
- 42 (B) a public park while a person under eighteen (18) years of



- 1 age was reasonably expected to be present.
- 2 (c) A person who possesses anhydrous ammonia or ammonia  
 3 solution (as defined in IC 22-11-20-1) with the intent to manufacture  
 4 methamphetamine or amphetamine, schedule II controlled substances  
 5 under IC 35-48-2-6, commits a Level 6 felony. However, the offense  
 6 is a Level 5 felony if the person possessed:
- 7 (1) a firearm while possessing anhydrous ammonia or ammonia  
 8 solution (as defined in IC 22-11-20-1) with intent to manufacture  
 9 methamphetamine or amphetamine, schedule II controlled  
 10 substances under IC 35-48-2-6; or
- 11 (2) anhydrous ammonia or ammonia solution (as defined in  
 12 IC 22-11-20-1) with intent to manufacture methamphetamine or  
 13 amphetamine, schedule II controlled substances under  
 14 IC 35-48-2-6, in, on, or within five hundred (500) feet of:
- 15 (A) school property while a person under eighteen (18) years  
 16 of age was reasonably expected to be present; or
- 17 (B) a public park while a person under eighteen (18) years of  
 18 age was reasonably expected to be present.
- 19 (d) Subsection (b) does not apply to a:
- 20 (1) licensed health care provider, pharmacist, retail distributor,  
 21 wholesaler, manufacturer, warehouseman, or common carrier or  
 22 an agent of any of these persons if the possession is in the regular  
 23 course of lawful business activities; or
- 24 (2) person who possesses more than ten (10) grams of a substance  
 25 described in subsection (b) if the substance is possessed under  
 26 circumstances consistent with typical medicinal or household use,  
 27 including:
- 28 (A) the location in which the substance is stored;
- 29 (B) the possession of the substance in a variety of:
- 30 (i) strengths;
- 31 (ii) brands; or
- 32 (iii) types; or
- 33 (C) the possession of the substance:
- 34 (i) with different expiration dates; or
- 35 (ii) in forms used for different purposes.
- 36 (e) A person who possesses two (2) or more chemical reagents or  
 37 precursors with the intent to manufacture a controlled substance  
 38 commits a Level 6 felony.
- 39 (f) An offense under subsection (e) is a Level 5 felony if the person  
 40 possessed:
- 41 (1) a firearm while possessing two (2) or more chemical reagents  
 42 or precursors with intent to manufacture a controlled substance;



or

(2) two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance in, on, or within five hundred (500) feet of:

(A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or

(B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(g) A person who sells, transfers, distributes, or furnishes a chemical reagent or precursor to another person with knowledge or the intent that the recipient will use the chemical reagent or precursors to manufacture a controlled substance commits unlawful sale of a precursor, a Level 6 felony. However, the offense is a Level 5 felony if the person sells, transfers, distributes, or furnishes more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine.

(h) This subsection does not apply to a drug containing ephedrine, pseudoephedrine, or phenylpropanolamine that is dispensed under a prescription. A person who:

(1) has been convicted of:

(A) dealing in methamphetamine (IC 35-48-4-1.1) **or manufacturing methamphetamine (IC 35-48-4-1.2);**

(B) possession of more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine (subsection (b));

(C) possession of anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine (subsection (c));

(D) possession of two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance (subsection (e)); or

(E) unlawful sale of a precursor (subsection (g)); and

(2) not later than seven (7) years from the date the person was sentenced for the offense;

knowingly or intentionally possesses ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits possession of a precursor by a methamphetamine offender, a Level 6 felony.

SECTION 20. IC 35-48-4-15, AS AMENDED BY P.L.217-2014, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. If a person is convicted of an offense under section 1, 1.1, **1.2**, 2, 3, 4, or 10 of this chapter, and the court finds that a motor vehicle was used in the commission of the offense, the court may, in addition to any other order the court enters, order that the person's driving privileges be suspended by the bureau





of motor vehicles for a period specified by the court of not more than two (2) years.

SECTION 21. IC 35-50-5-3, AS AMENDED BY P.L.180-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Except as provided in subsection (i), (j), (l), or (m), in addition to any sentence imposed under this article for a felony or misdemeanor, the court may, as a condition of probation or without placing the person on probation, order the person to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of:

(1) property damages of the victim incurred as a result of the crime, based on the actual cost of repair (or replacement if repair is inappropriate);

(2) medical and hospital costs incurred by the victim (before the date of sentencing) as a result of the crime;

(3) the cost of medical laboratory tests to determine if the crime has caused the victim to contract a disease or other medical condition;

(4) earnings lost by the victim (before the date of sentencing) as a result of the crime including earnings lost while the victim was hospitalized or participating in the investigation or trial of the crime; and

(5) funeral, burial, or cremation costs incurred by the family or estate of a homicide victim as a result of the crime.

(b) A restitution order under subsection (a), (i), (j), (l), or (m), is a judgment lien that:

(1) attaches to the property of the person subject to the order;

(2) may be perfected;

(3) may be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and

(4) expires;

in the same manner as a judgment lien created in a civil proceeding.

(c) When a restitution order is issued under subsection (a), the issuing court may order the person to pay the restitution, or part of the restitution, directly to:

(1) the victim services division of the Indiana criminal justice institute in an amount not exceeding:

(A) the amount of the award, if any, paid to the victim under IC 5-2-6.1; and

(B) the cost of the reimbursements, if any, for emergency



- 1 services provided to the victim under IC 16-10-1.5 (before its  
 2 repeal) or IC 16-21-8; or  
 3 (2) a probation department that shall forward restitution or part of  
 4 restitution to:  
 5 (A) a victim of a crime;  
 6 (B) a victim's estate; or  
 7 (C) the family of a victim who is deceased.

8 The victim services division of the Indiana criminal justice institute  
 9 shall deposit the restitution it receives under this subsection in the  
 10 violent crime victims compensation fund established by IC 5-2-6.1-40.

11 (d) When a restitution order is issued under subsection (a), (i), (j),  
 12 (l), or (m), the issuing court shall send a certified copy of the order to  
 13 the clerk of the circuit court in the county where the felony or  
 14 misdemeanor charge was filed. The restitution order must include the  
 15 following information:

- 16 (1) The name and address of the person that is to receive the  
 17 restitution.  
 18 (2) The amount of restitution the person is to receive.

19 Upon receiving the order, the clerk shall enter and index the order in  
 20 the circuit court judgment docket in the manner prescribed by  
 21 IC 33-32-3-2. The clerk shall also notify the department of insurance  
 22 of an order of restitution under subsection (i).

23 (e) An order of restitution under subsection (a), (i), (j), (l), or (m),  
 24 does not bar a civil action for:

- 25 (1) damages that the court did not require the person to pay to the  
 26 victim under the restitution order but arise from an injury or  
 27 property damage that is the basis of restitution ordered by the  
 28 court; and  
 29 (2) other damages suffered by the victim.

30 (f) Regardless of whether restitution is required under subsection (a)  
 31 as a condition of probation or other sentence, the restitution order is not  
 32 discharged by the completion of any probationary period or other  
 33 sentence imposed for a felony or misdemeanor.

34 (g) A restitution order under subsection (a), (i), (j), (l), or (m), is not  
 35 discharged by the liquidation of a person's estate by a receiver under  
 36 IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6,  
 37 IC 34-1-12, or IC 34-2-7 before their repeal).

38 (h) The attorney general may pursue restitution ordered by the court  
 39 under subsections (a) and (c) on behalf of the victim services division  
 40 of the Indiana criminal justice institute established under IC 5-2-6-8.

41 (i) The court may order the person convicted of an offense under  
 42 IC 35-43-9 to make restitution to the victim of the crime. The court



1 shall base its restitution order upon a consideration of the amount of  
 2 money that the convicted person converted, misappropriated, or  
 3 received, or for which the convicted person conspired. The restitution  
 4 order issued for a violation of IC 35-43-9 must comply with  
 5 subsections (b), (d), (e), and (g), and is not discharged by the  
 6 completion of any probationary period or other sentence imposed for  
 7 a violation of IC 35-43-9.

8 (j) The court may order the person convicted of an offense under  
 9 IC 35-43-5-3.5 to make restitution to the victim of the crime, the  
 10 victim's estate, or the family of a victim who is deceased. The court  
 11 shall base its restitution order upon a consideration of the amount of  
 12 fraud or harm caused by the convicted person and any reasonable  
 13 expenses (including lost wages) incurred by the victim in correcting the  
 14 victim's credit report and addressing any other issues caused by the  
 15 commission of the offense under IC 35-43-5-3.5. If, after a person is  
 16 sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's  
 17 estate, or the family of a victim discovers or incurs additional expenses  
 18 that result from the convicted person's commission of the offense under  
 19 IC 35-43-5-3.5, the court may issue one (1) or more restitution orders  
 20 to require the convicted person to make restitution, even if the court  
 21 issued a restitution order at the time of sentencing. For purposes of  
 22 entering a restitution order after sentencing, a court has continuing  
 23 jurisdiction over a person convicted of an offense under IC 35-43-5-3.5  
 24 for five (5) years after the date of sentencing. Each restitution order  
 25 issued for a violation of IC 35-43-5-3.5 must comply with subsections  
 26 (b), (d), (e), and (g), and is not discharged by the completion of any  
 27 probationary period or other sentence imposed for an offense under  
 28 IC 35-43-5-3.5.

29 (k) The court shall order a person convicted of an offense under  
 30 IC 35-42-3.5 to make restitution to the victim of the crime in an amount  
 31 equal to the greater of the following:

32 (1) The gross income or value to the person of the victim's labor  
 33 or services.

34 (2) The value of the victim's labor as guaranteed under the  
 35 minimum wage and overtime provisions of:

36 (A) the federal Fair Labor Standards Act of 1938, as amended  
 37 (29 U.S.C. 201-209); or

38 (B) IC 22-2-2 (Minimum Wage);

39 whichever is greater.

40 (l) The court shall order a person who:

41 (1) is convicted of dealing in methamphetamine under  
 42 IC 35-48-4-1.1 **or manufacturing methamphetamine under**



1           **IC 35-48-4-1.2;** and  
2           (2) manufactured the methamphetamine on property owned by  
3           another person, without the consent of the property owner;  
4           to pay liquidated damages to the property owner in the amount of ten  
5           thousand dollars (\$10,000) or to pay actual damages to the property  
6           owner, including lost rent and the costs of decontamination by an  
7           inspector approved under IC 13-14-1-15.  
8           (m) The court shall order a person who:  
9           (1) is convicted of dealing in marijuana under  
10          IC 35-48-4-10(a)(1)(A); and  
11          (2) manufactured the marijuana on property owned by another  
12          person, without the consent of the property owner;  
13          to pay liquidated damages to the property owner in the amount of two  
14          thousand dollars (\$2,000).



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1211, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 2. IC 5-2-16-3, AS ADDED BY P.L.151-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A law enforcement agency that discovers evidence of:

**(1) methamphetamine abuse; or**

**(2) a fire related to methamphetamine abuse;**

shall report the methamphetamine abuse to the criminal justice institute on a form and in the manner prescribed by guidelines adopted by the criminal justice institute under IC 5-2-6-18."

Page 2, line 15, delete "(IC 35-48-4-1) or" and insert "**(IC 35-48-4-1), the dealing or attempted dealing of methamphetamine (IC 35-48-4-1.1), or the manufacturing of or attempted manufacturing of methamphetamine (IC 35-48-4-1.2); and**

**(3) a Level 4 felony if the offense is committed during the dealing or manufacture or attempted dealing or manufacture of cocaine or a narcotic drug (IC 35-48-4-1), the dealing or attempted dealing of methamphetamine (IC 35-48-4-1.1), or the manufacturing of or attempted manufacturing of methamphetamine (IC 35-48-4-1.2), and:"**

Page 2, delete lines 16 through 20.

Page 2, line 35, after "(3);" strike "or".

Page 2, line 37, after "(3);" insert "or

**(6) property:**

**(A) that is vacant; or**

**(B) after the person has been denied entry to the property by a court order that was issued:**

**(i) to the person; or**

**(ii) to the general public by conspicuous posting on or around the property in areas where a person could observe the order when the property has been designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure (as defined in IC 36-7-36-1);"**

Page 3, after line 13, begin a new paragraph and insert:

"SECTION 3. IC 35-48-1-16.5, AS AMENDED BY P.L.168-2014,

**HB 1211—LS 6976/DI 123**



SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16.5. "Enhancing circumstance" means one (1) or more of the following:

- (1) The person has a prior conviction, in any jurisdiction, for dealing in a controlled substance that is not marijuana, hashish, hash oil, salvia divinorum, or a synthetic drug, including an attempt or conspiracy to commit the offense.
- (2) The person committed the offense while in possession of a firearm.
- (3) The person committed the offense:
  - (A) on a school bus; or
  - (B) in, on, or within five hundred (500) feet of:
    - (i) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
    - (ii) a public park while a person under eighteen (18) years of age was reasonably expected to be present.
- (4) The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.
- ~~(5) The person manufactured or financed the manufacture of the drug.~~
- ~~(6)~~ **(5)** The person committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense.

SECTION 4. IC 35-48-4-1.1, AS AMENDED BY P.L.226-2014(ts), SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.1. (a) A person who:

- (1) knowingly or intentionally:
  - ~~(A) manufactures;~~
  - ~~(B) finances the manufacture of;~~
  - ~~(C) (A) delivers; or~~
  - ~~(D) (B) finances the delivery of;~~
- (2) possesses, with intent to:
  - (A) manufacture;
  - (B) finance the manufacture of;
  - (C) deliver; or
  - (D) finance the delivery of;

methamphetamine, pure or adulterated;  
 commits dealing in methamphetamine, a Level 5 felony, except as provided in subsections (b) through (e).

(b) A person may be convicted of an offense under subsection (a)(2)



only if there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug.

(c) The offense is a Level 4 felony if:

- (1) the amount of the drug involved is at least one (1) gram but less than five (5) grams; or
- (2) the amount of the drug involved is less than one (1) gram and an enhancing circumstance applies.

(d) The offense is a Level 3 felony if:

- (1) the amount of the drug involved is at least five (5) **grams** but less than ten (10) grams; or
- (2) the amount of the drug involved is at least one (1) gram but less than five (5) grams and an enhancing circumstance applies.

(e) The offense is a Level 2 felony if:

- (1) the amount of the drug involved is at least ten (10) grams; **or**
  - (2) the amount of the drug involved is at least five (5) **grams** but less than ten (10) grams and an enhancing circumstance applies.
- or**
- (3) ~~the person is manufacturing the drug and the manufacture results in an explosion causing serious bodily injury to a person other than the manufacturer.~~

SECTION 5. IC 35-48-4-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.2. (a) Except as provided in subsections (b) and (c), a person who:**

**(1) knowingly or intentionally:**

**(A) manufactures; or**

**(B) finances the manufacture of;**

**methamphetamine, pure or adulterated, commits manufacturing methamphetamine, a Level 4 felony.**

**(b) The offense is a Level 3 felony if the amount of the drug involved is at least five (5) grams but less than ten (10) grams.**

**(c) The offense is a Level 2 felony if:**

- (1) the amount of the drug is at least ten (10) grams;**
- (2) an enhancing circumstance applies;**
- (3) the manufacture of the drug results in serious bodily injury to a person other than the manufacturer; or**



**(4) the manufacture of the drug results in the death of another person."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1211 as introduced.)

WASHBURNE

Committee Vote: yeas 9, nays 0.

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#### HOUSE MOTION

Mr. Speaker: I move that House Bill 1211 be amended to read as follows:

Page 2, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 3. IC 11-12-3.7-3, AS AMENDED BY P.L.182-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. As used in this chapter, "drug dealing offense" means one (1) or more of the following offenses:

- (1) Dealing in cocaine or a narcotic drug (IC 35-48-4-1), unless the person received only minimal consideration as a result of the drug transaction.
- (2) Dealing in methamphetamine (IC 35-48-4-1.1) **or manufacturing methamphetamine (IC 35-48-4-1.2)**, unless the person received only minimal consideration as a result of the drug transaction.
- (3) Dealing in a schedule I, II, III, IV, or V controlled substance (IC 35-48-4-2 through IC 35-48-4-4), unless the person received only minimal consideration as a result of the drug transaction.
- (4) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10), unless the person received only minimal consideration as a result of the drug transaction.

SECTION 4. IC 16-31-3-14.5, AS AMENDED BY P.L.238-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or licensure or permanently revoke a certificate or license under procedures provided by section 14 of this chapter if the individual who holds the certificate or license issued under this title is convicted of any of the following:

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- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1 **or manufacturing methamphetamine under IC 35-48-4-1.2.**
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.
- (10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in this section.
- (13) A crime of violence (as defined in IC 35-50-1-2(a)).
- (14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under this section.

SECTION 5. IC 20-28-5-8, AS AMENDED BY P.L.238-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

- (1) The state superintendent.
- (2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.



(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

- (1) Kidnapping (IC 35-42-3-2).
- (2) Criminal confinement (IC 35-42-3-3).
- (3) Rape (IC 35-42-4-1).
- (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (5) Child molesting (IC 35-42-4-3).
- (6) Child exploitation (IC 35-42-4-4(b)).
- (7) Vicarious sexual gratification (IC 35-42-4-5).
- (8) Child solicitation (IC 35-42-4-6).
- (9) Child seduction (IC 35-42-4-7).
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (13) Dealing in methamphetamine (IC 35-48-4-1.1) **or manufacturing methamphetamine (IC 35-48-4-1.2).**
- (14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (17) Dealing in a counterfeit substance (IC 35-48-4-5).
- (18) Dealing in marijuana, hash oil, hashish, or salvia as a felony (IC 35-48-4-10).
- (19) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its amendment in 2013).
- (20) Possession of child pornography (IC 35-42-4-4(c)).
- (21) Homicide (IC 35-42-1).



- (22) Voluntary manslaughter (IC 35-42-1-3).
- (23) Reckless homicide (IC 35-42-1-5).
- (24) Battery as any of the following:
  - (A) A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).
  - (B) A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).
  - (C) A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).
- (25) Aggravated battery (IC 35-42-2-1.5).
- (26) Robbery (IC 35-42-5-1).
- (27) Carjacking (IC 35-42-5-2) (before its repeal).
- (28) Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a)).
- (29) Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1).
- (30) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.
- (31) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(d) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the state superintendent as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

SECTION 6. IC 22-15-5-16, AS AMENDED BY P.L.238-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:



- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;
- (5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
- (6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (7) continued to practice although the practitioner has become unfit to practice due to:
  - (A) professional incompetence;
  - (B) failure to keep abreast of current professional theory or practice;
  - (C) physical or mental disability; or
  - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
- (10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;
- (11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;
- or
- (12) allowed a license issued by the department to be:
  - (A) used by another person; or
  - (B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.



(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

- (1) Permanent revocation of a practitioner's license.
- (2) Suspension of a practitioner's license.
- (3) Censure of a practitioner.
- (4) Issuance of a letter of reprimand.
- (5) Assess a civil penalty against the practitioner in accordance with the following:

(A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.

(B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

- (6) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the department upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department;

(C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time



established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or IC 35-48-4-7(c) (for a crime committed after June 30, 2014).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
- (9) Possession of a synthetic drug or synthetic drug lookalike



substance as a:

- (A) Class D felony for a crime committed before July 1, 2014, under:
  - (i) IC 35-48-4-11, before its amendment in 2013; or
  - (ii) IC 35-48-4-11.5; or
- (B) Level 6 felony for a crime committed after June 30, 2014, under IC 35-48-4-11.5.
- (10) Maintaining a common nuisance under IC 35-48-4-13.
- (11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.
- (13) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.
- (14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.
- (h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:
  - (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
  - (2) Dealing in methamphetamine under IC 35-48-4-1.1 **or manufacturing methamphetamine under IC 35-48-4-1.2.**
  - (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
  - (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
  - (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
  - (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
  - (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
  - (8) Dealing in a counterfeit substance under IC 35-48-4-5.
  - (9) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.
  - (10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).
  - (11) Conspiracy under IC 35-41-5-2 to commit an offense listed



in this subsection.

(12) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.

(14) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's





license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. The costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.

SECTION 7. IC 25-1-1.1-3, AS AMENDED BY P.L.238-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1 **or manufacturing methamphetamine under IC 35-48-4-1.2.**
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, hashish, or salvia as a felony



under IC 35-48-4-10.

(10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(12) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

(14) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

SECTION 8. IC 34-24-1-1, AS AMENDED BY P.L.237-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(ii) Dealing in methamphetamine (IC 35-48-4-1.1) **or manufacturing methamphetamine (IC 35-48-4-1.2).**

(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(v) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(vi) Dealing in a counterfeit substance (IC 35-48-4-5).

(vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

(viii) Possession of methamphetamine (IC 35-48-4-6.1).

(ix) Dealing in paraphernalia (IC 35-48-4-8.5).

(x) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).

(xi) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).



- (B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.
  - (C) Any hazardous waste in violation of IC 13-30-10-1.5.
  - (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).
- (2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):
- (A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;
  - (B) used to facilitate any violation of a criminal statute; or
  - (C) traceable as proceeds of the violation of a criminal statute.
- (3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.
- (4) A vehicle that is used by a person to:
- (A) commit, attempt to commit, or conspire to commit;
  - (B) facilitate the commission of; or
  - (C) escape from the commission of;
- murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.
- (5) Real property owned by a person who uses it to commit any of the following as a Level 1, Level 2, Level 3, Level 4, or Level 5 felony:
- (A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
  - (B) Dealing in methamphetamine (IC 35-48-4-1.1) **or manufacturing methamphetamine (IC 35-48-4-1.2).**
  - (C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
  - (D) Dealing in a schedule IV controlled substance



- (IC 35-48-4-3).
- (E) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
- (F) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).
- (6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).
- (7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.
- (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).
- (9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.
- (10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.
- (11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.
- (12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.
- (13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.
- (14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:
  - (A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.
  - (B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.
- (15) Except as provided in subsection (e), a vehicle used by a person who operates the vehicle:
  - (A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two
  - (2) or more prior unrelated convictions:
    - (i) for operating a motor vehicle while intoxicated in



- violation of IC 9-30-5-1 through IC 9-30-5-5; or
- (ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or
- (B) on a highway while the person's driving privileges are suspended in violation of IC 9-24-19-2 through IC 9-24-19-3, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:
  - (i) for operating a vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or
  - (ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a vehicle to be registered in the name of the person whose vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

- (A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).
- (B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(17) An automated sales suppression device (as defined in IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in IC 35-43-5-4.6(a)(3)).

(18) Real or personal property, including a vehicle, that is used by a person to:

- (A) commit, attempt to commit, or conspire to commit;
  - (B) facilitate the commission of; or
  - (C) escape from the commission of;
- a violation of IC 35-42-3.5-1 (human trafficking) or IC 35-45-4-4 (promoting prostitution).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).



(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

- (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).
- (2) IC 35-48-4-1.1 (dealing in methamphetamine) **or IC 35-48-4-1.2 (manufacturing methamphetamine).**
- (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).
- (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
- (5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Level 4 felony.
- (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Level 3, Level 4, or Level 5 felony.
- (7) IC 35-48-4-6.1 (possession of methamphetamine) as a Level 3, Level 4, or Level 5 felony.
- (8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or salvia) as a Level 5 felony.
- (9) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug lookalike substance) as a Level 5 felony or Level 6 felony (or as a Class C felony or Class D felony under IC 35-48-4-10 before its amendment in 2013).

(e) A vehicle operated by a person who is not:

- (1) an owner of the vehicle; or
- (2) the spouse of the person who owns the vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 9. IC 35-31.5-2-217, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 217. "Offense relating to controlled substances"



means the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (2) Dealing in methamphetamine (IC 35-48-4-1.1) **or manufacturing methamphetamine (IC 35-48-4-1.2).**
- (3) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (4) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (5) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (6) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
- (7) Possession of methamphetamine (IC 35-48-4-6.1).
- (8) Possession of a controlled substance (IC 35-48-4-7).
- (9) Possession of paraphernalia (IC 35-48-4-8.3).
- (10) Dealing in paraphernalia (IC 35-48-4-8.5).
- (11) Offenses relating to registration (IC 35-48-4-14).

SECTION 10. IC 35-42-1-1, AS AMENDED BY P.L.168-2014, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. A person who:

- (1) knowingly or intentionally kills another human being;
- (2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct (under IC 35-42-4-2 before its repeal), kidnapping, rape, robbery, human trafficking, promotion of human trafficking, sexual trafficking of a minor, or carjacking (before its repeal);
- (3) kills another human being while committing or attempting to commit:
  - (A) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
  - (B) dealing in ~~or manufacturing~~ methamphetamine (IC 35-48-4-1.1) **or manufacturing methamphetamine (IC 35-48-4-1.2).**
  - (C) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
  - (D) dealing in a schedule IV controlled substance (IC 35-48-4-3); or
  - (E) dealing in a schedule V controlled substance; or
- (4) knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365);

commits murder, a felony."

Page 3, between lines 37 and 38, begin a new paragraph and insert:  
"SECTION 12. IC 35-45-6-1, AS AMENDED BY P.L.168-2014,



SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

(c) "Enterprise" means:

- (1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or
- (2) a union, an association, or a group, whether a legal entity or merely associated in fact.

(d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

(e) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

- (1) A provision of IC 23-19, or of a rule or order issued under IC 23-19.
- (2) A violation of IC 35-45-9.
- (3) A violation of IC 35-47.
- (4) A violation of IC 35-49-3.
- (5) Murder (IC 35-42-1-1).
- (6) Battery as a Class C felony before July 1, 2014, or a Level 5 felony after June 30, 2014 (IC 35-42-2-1).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- (9) Child exploitation (IC 35-42-4-4).
- (10) Robbery (IC 35-42-5-1).
- (11) Carjacking (IC 35-42-5-2) (before its repeal).
- (12) Arson (IC 35-43-1-1).
- (13) Burglary (IC 35-43-2-1).
- (14) Theft (IC 35-43-4-2).
- (15) Receiving stolen property (IC 35-43-4-2).
- (16) Forgery (IC 35-43-5-2).
- (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).





- (18) Bribery (IC 35-44.1-1-2).
- (19) Official misconduct (IC 35-44.1-1-1).
- (20) Conflict of interest (IC 35-44.1-1-4).
- (21) Perjury (IC 35-44.1-2-1).
- (22) Obstruction of justice (IC 35-44.1-2-2).
- (23) Intimidation (IC 35-45-2-1).
- (24) Promoting prostitution (IC 35-45-4-4).
- (25) Professional gambling (IC 35-45-5-3).
- (26) Maintaining a professional gambling site (IC 35-45-5-3.5(b)).
- (27) Promoting professional gambling (IC 35-45-5-4).
- (28) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (29) Dealing in ~~or manufacturing~~ methamphetamine (IC 35-48-4-1.1) **or manufacturing methamphetamine (IC 35-48-4-1.2).**
- (30) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (31) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (33) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
- (34) Money laundering (IC 35-45-15-5).
- (35) A violation of IC 35-47.5-5.
- (36) A violation of any of the following:
  - (A) IC 23-14-48-9.
  - (B) IC 30-2-9-7(b).
  - (C) IC 30-2-10-9(b).
  - (D) IC 30-2-13-38(f).
- (37) Practice of law by a person who is not an attorney (IC 33-43-2-1).
- (38) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).

SECTION 103 IC 35-46-1-4, AS AMENDED BY P.L.168-2014, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A person having the care of a dependent, whether assumed voluntarily or because of a legal obligation, who knowingly or intentionally:

- (1) places the dependent in a situation that endangers the dependent's life or health;



(2) abandons or cruelly confines the dependent;  
 (3) deprives the dependent of necessary support; or  
 (4) deprives the dependent of education as required by law;  
 commits neglect of a dependent, a Level 6 felony.

(b) However, the offense is:

(1) a Level 5 felony if it is committed under subsection (a)(1),  
 (a)(2), or (a)(3) and:

(A) results in bodily injury; or

(B) is:

(i) committed in a location where a person is violating  
 IC 35-48-4-1 (dealing in cocaine or a narcotic drug), ~~or~~  
 IC 35-48-4-1.1 (dealing in methamphetamine), ~~or~~  
**IC 35-48-4-1.2 (manufacturing methamphetamine);** or  
 (ii) the result of a violation of IC 35-48-4-1 (dealing in  
 cocaine or a narcotic drug), ~~or~~ IC 35-48-4-1.1 (dealing in  
 methamphetamine), ~~or~~ **IC 35-48-4-1.2 (manufacturing  
 methamphetamine);**

(2) a Level 3 felony if it is committed under subsection (a)(1),  
 (a)(2), or (a)(3) and results in serious bodily injury;

(3) a Level 1 felony if it is committed under subsection (a)(1),  
 (a)(2), or (a)(3) by a person at least eighteen (18) years of age and  
 results in the death of a dependent who is less than fourteen (14)  
 years of age; and

(4) a Level 5 felony if it is committed under subsection (a)(2) and  
 consists of cruel confinement or abandonment that:

(A) deprives a dependent of necessary food, water, or sanitary  
 facilities;

(B) consists of confinement in an area not intended for human  
 habitation; or

(C) involves the unlawful use of handcuffs, a rope, a cord,  
 tape, or a similar device to physically restrain a dependent.

(c) It is a defense to a prosecution based on an alleged act under this  
 section that:

(1) the accused person left a dependent child who was, at the time  
 the alleged act occurred, not more than thirty (30) days of age  
 with an emergency medical provider who took custody of the  
 child under IC 31-34-2.5 when:

(A) the prosecution is based solely on the alleged act of  
 leaving the child with the emergency medical services  
 provider; and

(B) the alleged act did not result in bodily injury or serious  
 bodily injury to the child; or



(2) the accused person, in the legitimate practice of the accused person's religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to the accused person's dependent.

(d) Except for property transferred or received:

(1) under a court order made in connection with a proceeding under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5 or IC 31-6-5 before their repeal); or

(2) under section 9(b) of this chapter;

a person who transfers or receives any property in consideration for the termination of the care, custody, or control of a person's dependent child commits child selling, a Level 6 felony.

SECTION 14. IC 35-46-1-8, AS AMENDED BY P.L.158-2013, SECTION 554, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) A person at least eighteen (18) years of age who knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2) commits contributing to delinquency, a Class A misdemeanor.

(b) However, the offense described in subsection (a) is:

(1) a Level 5 felony if:

(A) the person committing the offense is at least twenty-one (21) years of age and knowingly or intentionally furnishes:

(i) an alcoholic beverage to a person less than eighteen (18) years of age in violation of IC 7.1-5-7-8 when the person committing the offense knew or reasonably should have known that the person furnished the alcoholic beverage was less than eighteen (18) years of age; or

(ii) a controlled substance (as defined in IC 35-48-1-9) or a drug (as defined in IC 9-13-2-49.1) in violation of Indiana law; and

(B) the consumption, ingestion, or use of the alcoholic beverage, controlled substance, or drug is the proximate cause of the death of any person; and

(2) a Level 6 felony if the person committing the offense knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act that would be a felony if committed by an adult under any of the following:

(A) IC 35-48-4-1.

(B) IC 35-48-4-1.1.

(C) IC 35-48-4-1.2.



- ~~(C)~~ (D) IC 35-48-4-2.
- ~~(D)~~ (E) IC 35-48-4-3.
- ~~(E)~~ (F) IC 35-48-4-4.
- ~~(F)~~ (G) IC 35-48-4-4.5.
- ~~(G)~~ (H) IC 35-48-4-4.6.
- ~~(H)~~ (I) IC 35-48-4-5.

SECTION 15. IC 35-47-4-5, AS AMENDED BY P.L.168-2014, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

- (1) committing a serious violent felony in:
  - (A) Indiana; or
  - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or
- (2) attempting to commit or conspiring to commit a serious violent felony in:
  - (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or
  - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.
- (b) As used in this section, "serious violent felony" means:
  - (1) murder (IC 35-42-1-1);
  - (2) voluntary manslaughter (IC 35-42-1-3);
  - (3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);
  - (4) battery (IC 35-42-2-1) as a:
    - (A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or
    - (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;
  - (5) aggravated battery (IC 35-42-2-1.5);
  - (6) kidnapping (IC 35-42-3-2);
  - (7) criminal confinement (IC 35-42-3-3);
  - (8) rape (IC 35-42-4-1);
  - (9) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
  - (10) child molesting (IC 35-42-4-3);
  - (11) sexual battery (IC 35-42-4-8) as a:
    - (A) Class C felony, for a crime committed before July 1, 2014; or



- (B) Level 5 felony, for a crime committed after June 30, 2014;
- (12) robbery (IC 35-42-5-1);
- (13) carjacking (IC 5-42-5-2) (before its repeal);
- (14) arson (IC 35-43-1-1(a)) as a:
  - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
  - (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- (15) burglary (IC 35-43-2-1) as a:
  - (A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or
  - (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;
- (16) assisting a criminal (IC 35-44.1-2-5) as a:
  - (A) Class C felony, for a crime committed before July 1, 2014; or
  - (B) Level 5 felony, for a crime committed after June 30, 2014;
- (17) resisting law enforcement (IC 35-44.1-3-1) as a:
  - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
  - (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;
- (18) escape (IC 35-44.1-3-4) as a:
  - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
  - (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
- (19) trafficking with an inmate (IC 35-44.1-3-5) as a:
  - (A) Class C felony, for a crime committed before July 1, 2014; or
  - (B) Level 5 felony, for a crime committed after June 30, 2014;
- (20) criminal gang intimidation (IC 35-45-9-4);
- (21) stalking (IC 35-45-10-5) as a:
  - (A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or
  - (B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;
- (22) incest (IC 35-46-1-3);
- (23) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
- (24) dealing in methamphetamine (IC 35-48-4-1.1) **or manufacturing methamphetamine (IC 35-48-4-1.2);**



(25) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

(26) dealing in a schedule IV controlled substance (IC 35-48-4-3);  
or

(27) dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Level 4 felony."

Page 5, after line 35, begin a new paragraph and insert:

"SECTION 19. IC 35-48-4-14.5, AS AMENDED BY P.L. 168-2014, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.5. (a) As used in this section, "chemical reagents or precursors" refers to one (1) or more of the following:

- (1) Ephedrine.
- (2) Pseudoephedrine.
- (3) Phenylpropanolamine.
- (4) The salts, isomers, and salts of isomers of a substance identified in subdivisions (1) through (3).
- (5) Anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1).
- (6) Organic solvents.
- (7) Hydrochloric acid.
- (8) Lithium metal.
- (9) Sodium metal.
- (10) Ether.
- (11) Sulfuric acid.
- (12) Red phosphorous.
- (13) Iodine.
- (14) Sodium hydroxide (lye).
- (15) Potassium dichromate.
- (16) Sodium dichromate.
- (17) Potassium permanganate.
- (18) Chromium trioxide.
- (19) Benzyl cyanide.
- (20) Phenylacetic acid and its esters or salts.
- (21) Piperidine and its salts.
- (22) Methylamine and its salts.
- (23) Isosafrole.
- (24) Safrole.
- (25) Piperonal.
- (26) Hydriodic acid.



- (27) Benzaldehyde.
- (28) Nitroethane.
- (29) Gamma-butyrolactone.
- (30) White phosphorus.
- (31) Hypophosphorous acid and its salts.
- (32) Acetic anhydride.
- (33) Benzyl chloride.
- (34) Ammonium nitrate.
- (35) Ammonium sulfate.
- (36) Hydrogen peroxide.
- (37) Thionyl chloride.
- (38) Ethyl acetate.
- (39) Pseudoephedrine hydrochloride.

(b) A person who possesses more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits a Level 6 felony. However, the offense is a Level 5 felony if the person possessed:

- (1) a firearm while possessing more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated; or
- (2) more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, in, on, or within five hundred (500) feet of:
  - (A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
  - (B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(c) A person who possesses anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with the intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, commits a Level 6 felony. However, the offense is a Level 5 felony if the person possessed:

- (1) a firearm while possessing anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6; or
- (2) anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, in, on, or within five hundred (500) feet of:
  - (A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or



(B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(d) Subsection (b) does not apply to a:

(1) licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier or an agent of any of these persons if the possession is in the regular course of lawful business activities; or

(2) person who possesses more than ten (10) grams of a substance described in subsection (b) if the substance is possessed under circumstances consistent with typical medicinal or household use, including:

(A) the location in which the substance is stored;

(B) the possession of the substance in a variety of:

(i) strengths;

(ii) brands; or

(iii) types; or

(C) the possession of the substance:

(i) with different expiration dates; or

(ii) in forms used for different purposes.

(e) A person who possesses two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance commits a Level 6 felony.

(f) An offense under subsection (e) is a Level 5 felony if the person possessed:

(1) a firearm while possessing two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance; or

(2) two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance in, on, or within five hundred (500) feet of:

(A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or

(B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(g) A person who sells, transfers, distributes, or furnishes a chemical reagent or precursor to another person with knowledge or the intent that the recipient will use the chemical reagent or precursors to manufacture a controlled substance commits unlawful sale of a precursor, a Level 6 felony. However, the offense is a Level 5 felony if the person sells, transfers, distributes, or furnishes more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine.

(h) This subsection does not apply to a drug containing ephedrine,





pseudoephedrine, or phenylpropanolamine that is dispensed under a prescription. A person who:

(1) has been convicted of:

(A) dealing in methamphetamine (IC 35-48-4-1.1) **or manufacturing methamphetamine (IC 35-48-4-1.2);**

(B) possession of more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine (subsection (b));

(C) possession of anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine (subsection (c));

(D) possession of two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance (subsection (e)); or

(E) unlawful sale of a precursor (subsection (g)); and

(2) not later than seven (7) years from the date the person was sentenced for the offense;

knowingly or intentionally possesses ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits possession of a precursor by a methamphetamine offender, a Level 6 felony.

SECTION 20. IC 35-48-4-15, AS AMENDED BY P.L.217-2014, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. If a person is convicted of an offense under section 1, 1.1, **1.2**, 2, 3, 4, or 10 of this chapter, and the court finds that a motor vehicle was used in the commission of the offense, the court may, in addition to any other order the court enters, order that the person's driving privileges be suspended by the bureau of motor vehicles for a period specified by the court of not more than two (2) years.

SECTION 21. IC 35-50-5-3, AS AMENDED BY P.L.180-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Except as provided in subsection (i), (j), (l), or (m), in addition to any sentence imposed under this article for a felony or misdemeanor, the court may, as a condition of probation or without placing the person on probation, order the person to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of:

(1) property damages of the victim incurred as a result of the crime, based on the actual cost of repair (or replacement if repair is inappropriate);

(2) medical and hospital costs incurred by the victim (before the date of sentencing) as a result of the crime;



(3) the cost of medical laboratory tests to determine if the crime has caused the victim to contract a disease or other medical condition;

(4) earnings lost by the victim (before the date of sentencing) as a result of the crime including earnings lost while the victim was hospitalized or participating in the investigation or trial of the crime; and

(5) funeral, burial, or cremation costs incurred by the family or estate of a homicide victim as a result of the crime.

(b) A restitution order under subsection (a), (i), (j), (l), or (m), is a judgment lien that:

(1) attaches to the property of the person subject to the order;

(2) may be perfected;

(3) may be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and

(4) expires;

in the same manner as a judgment lien created in a civil proceeding.

(c) When a restitution order is issued under subsection (a), the issuing court may order the person to pay the restitution, or part of the restitution, directly to:

(1) the victim services division of the Indiana criminal justice institute in an amount not exceeding:

(A) the amount of the award, if any, paid to the victim under IC 5-2-6.1; and

(B) the cost of the reimbursements, if any, for emergency services provided to the victim under IC 16-10-1.5 (before its repeal) or IC 16-21-8; or

(2) a probation department that shall forward restitution or part of restitution to:

(A) a victim of a crime;

(B) a victim's estate; or

(C) the family of a victim who is deceased.

The victim services division of the Indiana criminal justice institute shall deposit the restitution it receives under this subsection in the violent crime victims compensation fund established by IC 5-2-6.1-40.

(d) When a restitution order is issued under subsection (a), (i), (j), (l), or (m), the issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the felony or misdemeanor charge was filed. The restitution order must include the following information:

(1) The name and address of the person that is to receive the



restitution.

(2) The amount of restitution the person is to receive.

Upon receiving the order, the clerk shall enter and index the order in the circuit court judgment docket in the manner prescribed by IC 33-32-3-2. The clerk shall also notify the department of insurance of an order of restitution under subsection (i).

(e) An order of restitution under subsection (a), (i), (j), (l), or (m), does not bar a civil action for:

(1) damages that the court did not require the person to pay to the victim under the restitution order but arise from an injury or property damage that is the basis of restitution ordered by the court; and

(2) other damages suffered by the victim.

(f) Regardless of whether restitution is required under subsection (a) as a condition of probation or other sentence, the restitution order is not discharged by the completion of any probationary period or other sentence imposed for a felony or misdemeanor.

(g) A restitution order under subsection (a), (i), (j), (l), or (m), is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6, IC 34-1-12, or IC 34-2-7 before their repeal).

(h) The attorney general may pursue restitution ordered by the court under subsections (a) and (c) on behalf of the victim services division of the Indiana criminal justice institute established under IC 5-2-6-8.

(i) The court may order the person convicted of an offense under IC 35-43-9 to make restitution to the victim of the crime. The court shall base its restitution order upon a consideration of the amount of money that the convicted person converted, misappropriated, or received, or for which the convicted person conspired. The restitution order issued for a violation of IC 35-43-9 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for a violation of IC 35-43-9.

(j) The court may order the person convicted of an offense under IC 35-43-5-3.5 to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of the amount of fraud or harm caused by the convicted person and any reasonable expenses (including lost wages) incurred by the victim in correcting the victim's credit report and addressing any other issues caused by the commission of the offense under IC 35-43-5-3.5. If, after a person is sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's



estate, or the family of a victim discovers or incurs additional expenses that result from the convicted person's commission of the offense under IC 35-43-5-3.5, the court may issue one (1) or more restitution orders to require the convicted person to make restitution, even if the court issued a restitution order at the time of sentencing. For purposes of entering a restitution order after sentencing, a court has continuing jurisdiction over a person convicted of an offense under IC 35-43-5-3.5 for five (5) years after the date of sentencing. Each restitution order issued for a violation of IC 35-43-5-3.5 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for an offense under IC 35-43-5-3.5.

(k) The court shall order a person convicted of an offense under IC 35-42-3.5 to make restitution to the victim of the crime in an amount equal to the greater of the following:

(1) The gross income or value to the person of the victim's labor or services.

(2) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of:

(A) the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209); or

(B) IC 22-2-2 (Minimum Wage);

whichever is greater.

(l) The court shall order a person who:

(1) is convicted of dealing in methamphetamine under IC 35-48-4-1.1 **or manufacturing methamphetamine under IC 35-48-4-1.2;** and

(2) manufactured the methamphetamine on property owned by another person, without the consent of the property owner;

to pay liquidated damages to the property owner in the amount of ten thousand dollars (\$10,000) or to pay actual damages to the property owner, including lost rent and the costs of decontamination by an inspector approved under IC 13-14-1-15.

(m) The court shall order a person who:

(1) is convicted of dealing in marijuana under IC 35-48-4-10(a)(1)(A); and



(2) manufactured the marijuana on property owned by another person, without the consent of the property owner; to pay liquidated damages to the property owner in the amount of two thousand dollars (\$2,000).".

Renumber all SECTIONS consecutively.

(Reference is to HB 1211 as printed January 29, 2016.)

WASHBURN

